

COMMITMENT

THIS COMMITMENT made this 6th day of January, 2012, by Susan Pryor Hodges ("Owner") pursuant to Indiana Code § 36-7-4-1015.

1. Owner is the record owner of certain real property located in West Lafayette, Tippecanoe County, Indiana commonly known as 4088 Ridgefield Court, West Lafayette, Tippecanoe County, Indiana, and more particularly described in **Exhibit A** hereto ("Real Estate"). Kurt B. Hodges is also a record owner of the Real Estate ("Kurt").

2. On November 18, 2011, Owner, with the consent of Kurt, filed a request with the Area Plan Commission of Tippecanoe County ("APC") to rezone the Real Estate from R1 to A ("Petition No. Z-2478").

3. Attached hereto as **Exhibit B** is a Notarized Consent filed by Kurt in connection with Petition No. Z-2478 whereby Kurt authorized Owner to execute any and all documents necessary for the purpose of rezoning including, without limitation, this Commitment.

4. Owner hereby agrees and commits that the following uses which are permitted by right in A zones shall not be permitted on the Real Estate upon the rezoning of the Real Estate from R1 to A:

- a. Agricultural Production – Crops (SIC Code, Major Group 01), excluding hay;
- b. Confined Feeding Operation (as defined in the Unified Zoning Ordinance for Tippecanoe County, Indiana ("Ordinance");
- c. Commercial Greenhouse;
- d. Veterinary Services for Livestock (SIC Code, Industry Group No. 0741);
- e. Veterinary Services for Animal Specialties (SIC Code, Industry Group No. 0742); and
- f. Dog Grooming (SIC Code, Industry Group No. 0752).

5. Owner hereby agrees and commits that with respect to the Agricultural Production – Livestock (SIC Code, Major Group 02) uses that are permitted by right in A zones, said uses shall be restricted as follows on the Real Estate upon the rezoning of the Real Estate from R1 to A:

- a. None of the uses defined as a part of SIC Industry Group No. 021 (Livestock, Except Dairy and Poultry) shall be permitted on the Real Estate.
- b. None of the uses defined as a part of SIC Industry Group No. 024 (Dairy Farms) shall be permitted on the Real Estate.
- c. None of the uses defined as a part of SIC Industry Group No. 025 (Poultry and Eggs) shall be permitted on the Real Estate. This prohibited shall not be deemed to prohibit the use permitted under **Section 6.d.** below.
- d. None of the uses defined as part of SIC Industry No. 0271 (Fur-Bearing Animals and Rabbits) shall be permitted on the Real Estate. This prohibited shall not be deemed to prohibit the use permitted under **Section 6.e.** below.

- e. None of the uses defined as part of SIC Industry No. 0272 (Horses and Other Equines) shall be permitted on the Real Estate; provided, however, that this agreement and commitment shall in no way be deemed to prohibit the boarding and/or training of horses on the Real Estate which is a use permitted by right under the Ordinance. Furthermore, this agreement and commitment shall in no way be deemed to prohibit the following uses which are allowed by special exception in A zones under the Ordinance in the event that a special exception for either use is sought and subsequently approved by the Area Board of Zoning Appeals: Riding Clubs, Membership; and Riding Stables.
 - f. None of the uses defined as a part of SIC Industry No. 0273 (Animal Aquaculture) shall be permitted on the Real Estate. This prohibition shall not be deemed to prohibit any use allowed under Section 6.e. below.
 - g. None of the uses defined as part of SIC Industry No. 0279 (Animal Specialties, Not Elsewhere Classified) shall be permitted on the Real Estate; provided, however, that this agreement and commitment shall in no way be deemed to prohibit the boarding and/or training of horses on the Real Estate which is a use permitted by right under the Ordinance. Furthermore, this agreement and commitment shall in no way be deemed to prohibit the following uses which are allowed by special exception in A zones under the Ordinance in the event that a petition for special exception for either use is filed with and subsequently approved by the Area Board of Zoning Appeals: Riding Clubs, Membership; and Riding Stables.
 - h. None of the uses defined as a part of SIC Industry Group No. 029 (General Farms, Primarily Livestock and Animal Specialties) shall be permitted on the Real Estate. This prohibition shall not be deemed to prohibit any use allowed under Section 6.d. or Section 6.e. below. Furthermore, this agreement and commitment shall in no way be deemed to prohibit the boarding and/or training of horses on the Real Estate which is a use permitted by right under the Ordinance. Additionally, this agreement and commitment shall in no way be deemed to prohibit the following uses which are allowed by special exception in A zones under the Ordinance in the event that a special exception for either use is filed with and subsequently approved by the Area Board of Zoning Appeals: Riding Clubs, Membership; and Riding Stables
6. Owner further agrees and commits that upon the rezoning of the Real Estate from R1 to A, the following prohibitions or restrictions shall apply to the Real Estate:
- a. no hogs or swine shall be kept or boarded on the Real Estate;
 - b. no sheep shall be kept or boarded on the Real Estate;
 - c. no cows, steer, or bulls shall be kept or boarded on the Real Estate;
 - d. no roosters shall be kept or boarded on the Real Estate; provided, however, that chickens (other than roosters) and/or ducks may be kept on the Real Estate in a total not to exceed twenty-four (24) in number; and
 - e. no livestock or animal specialties other than household pets, rabbits, fish in captivity, horses and companion animals for horses shall be kept or boarded on the Real Estate.
7. The Owner further agrees and commits that any manure generated by horses on the Real Estate shall be disposed of in commonly accepted manners or procedures including (1) piling the manure and allowing it to decompose, and/or (2) spreading the manure over pasture land on the Real Estate and allowing it to decompose.

8. Owner understands and agrees that this Commitment is given as a condition to the adoption by the APC and the Board of Commissioners of the County of Tippecanoe of the rezoning request represented by Petition No. Z-2478. Owner further understands and agrees that such adoption constitutes good and valuable consideration for the giving of this Commitment.

9. This Commitment shall be a covenant running with the Real Estate and binding and enforceable against the Owner, Kurt, a subsequent owner of the Real Estate, or any other person who acquires an interest in the Real Estate.

10. Owner agrees that Tippecanoe County ("County") is a "specially affected person" under Indiana Code § 36-7-4-1015(d)(3) and that the County, in its sole discretion, shall be entitled to bring an action to enforce the terms and conditions of this Commitment in the Circuit or Superior Courts of Tippecanoe County, Indiana.

11. This Commitment shall automatically terminate upon the occurrence of any of the following: (i) a change in the zoning classification of the Real Estate, (ii) a change in the land use to which this Commitment relates, and/or (iii) otherwise in accordance with APC rules.

OWNER



Susan Pryor Hodges

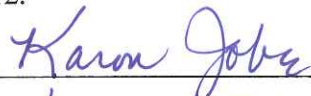
STATE OF INDIANA)
) SS:
TIPPECANOE COUNTY)

Before me, a Notary Public in and for said County and State, personally appeared Susan Pryor Hodges, who acknowledged the execution of the foregoing Commitment.

Witness my hand and Notarial Seal this 6th day of January, 2012.



KARON S. JOBE (written)
Resident of Tippecanoe County
My Commission Expires
April 14, 2019



Karon Jobe

(printed)
NOTARY PUBLIC
Resident of Tippecanoe County

My Commission Expires:
4-14-2019

This instrument prepared by Kevin J. Riley of the firm of REILING TEDER & SCHRIER, LLC, 415 Columbia Street, Suite 3000, P. O. Box 280, Lafayette, Indiana 47902, Telephone: (765) 423-5333, Facsimile: (765) 423-4564, e-mail: kjr@rtslawfirm.com

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Kevin J. Riley

CONSENTED TO AND APPROVED by the Tippecanoe County Area Plan Commission this _____ day
of _____, 2012 by a vote of _____ to _____.

Sallie Fahey, Executive Director

Dated: _____, 2012

CONSENTED TO AND APPROVED this _____ day of _____, 2012.

BOARD OF COMMISSIONERS
OF THE COUNTY OF TIPPECANOE

David Byers, President

Thomas Murtaugh, Vice President

John Knochel, Member

ATTEST:

Jennifer Weston, Auditor of
Tippecanoe County

A part of the Northeast Quarter of Section 09, Township 23 North, Range 5 West of the Second Principal Meridian in Wabash Township, Tippecanoe County, Indiana, being more completely described as follows:

Beginning at the northwest corner of Moss Creek Subdivision, as recorded in Plat Cabinet C, slide 157, in the Tippecanoe County Recorder's Office (the following 11 courses being along the western lines of said subdivision); 1.) South 10° 22' 15" East 137.62 feet; 2.) South 2° 33' 20" West 81.11 feet; 3.) North 81° 52' 15" West 89.85 feet; 4.) South 61° 59' 45" West 64.99 feet; 5.) South 5° 22' 15" West 163.43 feet; 6.) South 28° 36' 30" West 107.78 feet; 7.) South 64° 50' 45" West 68.00 feet; 8.) South 42° 40' 30" West 108.65 feet; 9.) South 56° 30' 00" West 192.55 feet; 10.) South 82° 48' 45" West 42.86 feet; 11.) South 1° 38' 30" West 91.31 feet to the southwest corner of said subdivision and the southern line of LeWallen as described in Instrument No. 92-23541, recorded in the Tippecanoe County Recorder's Office; thence along said southern line North 88° 21' 39" West 85.00 feet; thence continuing along said southern line North 88° 34' 55" West 402.03 feet to the IDNR mandated flood elevation of 634.5 feet N.G.V.D. (the following 17 calls being along said contour); 1.) North 58° 37' 48" East 100.10 feet; 2.) North 81° 21' 03" East 114.80 feet; 3.) North 27° 16' 30" East 55.54 feet; 4.) North 70° 50' 54" East 64.72 feet; 5.) North 78° 12' 42" East 90.92 feet; 6.) North 84° 11' 05" East 90.49 feet; 7.) North 51° 44' 02" East 69.81 feet; 8.) North 45° 26' 36" East 92.16 feet; 9.) North 36° 05' 21" East 90.01 feet; 10.) North 52° 00' 34" East 99.51 feet; 11.) North 42° 12' 47" East 105.78 feet; 12.) North 82° 07' 04" East 40.95 feet; 13.) North 8° 44' 05" East 22.41 feet; 14.) North 1° 48' 33" West 14.76 feet; 15.) North 39° 23' 56" East 111.54 feet; 16.) North 4° 58' 04" East 70.65 feet; 17.) North 17° 13' 26" East 109.08 feet to the northern line of LeWallen; thence along said northern line South 89° 44' 15" East 79.60 feet to the point of beginning, containing 3.526 acres.

EXHIBIT

tabbles

A

NOTARIZED CONSENT

Area Plan Commission and/or
Area Board of Zoning Appeals
20 North 3rd Street
Lafayette, IN 47901

Dear Commission and/or Board:

Please be advised that as the owner(s) of record (as shown in
Office of the County Auditor) of the land described in the
attached legal description, I(we) hereby authorize _____

Susan Pryor Hodges

(Petitioner(s)' Name(s) Printed)

to execute any and all documents necessary for the purpose of
improvement location permit, rezoning, subdivision, special
exception and/or variance applications, as per the attached
petition or application. [This does not extend to subdivision
final plats, which must be signed by the owner(s).]

(Owner) Kurt B. Hodges

(Name Printed) Kurt B. Hodges

(Owner) _____

(Name Printed) _____

STATE OF INDIANA)

) SS:

COUNTY OF TIPPECANOE)

Before me the undersigned, a Notary Public for Tippecanoe County,
State of Indiana, personally appeared Kurt B. Hodges

_____, and acknowledged the
(Owner(s)' Name(s) Printed)

execution of this instrument this 17 day of Nov 2011.

(Notary Public) Marilyn K. Newboles Jones

(Name Printed) Marilyn K. Newboles Jones

My Commission expires: 5/15/2019

EXHIBIT

B

MARILYN K. NEWBOLES-JONES
NOTARY PUBLIC
SEAL
STATE OF INDIANA
MY COMMISSION EXPIRES MAY 15, 2019